1   SENATE BILL NO. 490

2   INTRODUCED BY J. TROPILA

3   BY REQUEST OF THE SECRETARY OF STATE

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6   A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PAID LEAVE FOR A STATE EXECUTIVE BRANCH

7   EMPLOYEE PERFORMING THE DUTIES OF AN ELECTION JUDGE; PROVIDING THAT COUNTIES MAY

8   NOT PAY THE EMPLOYEE AS AN ELECTION JUDGE FOR THE SAME HOURS THAT THE EMPLOYEE IS

9   ON STATE PAID LEAVE, EXCEPT ON THE GENERAL ELECTION STATE HOLIDAY; CLARIFYING THE

10   ADMINISTRATION OF LEAVE PROVISIONS; AND AMENDING SECTIONS 2-18-604 AND 13-4-106, MCA."

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12   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14   NEW SECTION. **Section 1. Paid leave for state employees to be election judges -- definitions.**

15   (1) The director of a state agency has the sole discretion to grant and may grant up to 8 hours of paid leave to

16   an agency employee to use on election day to perform the duties of an election judge under Title 13, chapter

17   4, if the election day is not covered by holiday pay pursuant 2-18-603.

18   (2) As an incentive, in addition to leave granted under 2-18-603 or subsection (1) of this section, an

19   agency director may grant an additional 8 hours of paid leave to any employee who performs the duties of an

20   election judge on election day.

21   (3) The leave under subsection (2):

22   (a) is transferable between agencies;

23   (b) must be used within 15 calendar months from the date of the election for which the leave was

24   granted or the leave is forfeited;

25   (c) may not be paid to the employee as cash compensation; and

26   (d) may not be considered as time worked for purposes of overtime or be credited at a time-and-a-half

27   rate.

28   (4) As used in this section, the following definitions apply:

29   (a) "Director" means the administrative head of a state agency.

30   (b) "State agency" means an executive branch department, board, commission, office, bureau,

1   institution, or unit of the executive branch of state government recognized in the state budget, not including units

2   of the university system.

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4   **Section 2.** Section 2-18-604, MCA, is amended to read:

5   **"2-18-604. Administration of rules.** The department of administration or the administrative officer of

6   any county, city, or political subdivision is responsible for the proper administration of the employee ~~annual, sick,~~

7   ~~or military~~ leave provisions and the jury duty provisions found in this part and shall promulgate ~~rules~~ policies

8   necessary to achieve the uniform administration of these provisions and to prevent the abuse ~~thereof~~ of these

9   provisions. When promulgated, the ~~rules~~ policies are effective ~~as to all employees of the state or any county,~~

10 ~~city, or political subdivision thereof~~ for all employees covered by the governing statutory provisions."

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12   **Section 3.** Section 13-4-106, MCA, is amended to read:

13   **"13-4-106. Compensation of judges.** (1) Except as provided in ~~subsection~~ subsections (2) and (4),

14 election judges must be paid at least the prevailing federal minimum wage for the number of hours worked

15 during an election plus the number of hours spent at the instruction session. Mileage may be paid to election

16 judges for attending instruction sessions. Election judges are exempt from unemployment insurance coverage

17 for services performed pursuant to this chapter if the remuneration received by the election judge is less than

18 $1,000 in the calendar year.

19   (2) The chief election judge may be paid at a rate higher than the other election judges and may be

20 reimbursed for the actual expenses of transporting election materials.

21   (3) The election administrator shall certify the amount due each election judge to the county governing

22 body as soon after an election as all records necessary for the certification are received.

23   (4) The county may not pay a wage to an election judge who is a state employee for any hours during

24 which the employee is on paid leave under the provisions of [section 1]."

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26   NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an

27 integral part of Title 2, chapter 18, part 6, and the provisions of Title 2, chapter 18, part 6, apply to [section 1].

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